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UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WASHINGTON

C.B., a minor, by and through his
parents Chris Bishop and Sara
Christensen; J.B., a minor, by and
through his parents Chris Bishop and
Sara Christensen; CHRIS BISHOP,
individually; and SARA
CHRISTENSEN, individually,

Plaintiffs,

v.

LAKE CHELAN SCHOOL DISTRICT
NO. 129, a Washington public school
district; and K.C. CRAVEN,
individually,

Defendants.

NO. 2:14-cv-00082-JLQ

AMENDED COMPLAINT

Plaintiffs C.B., a minor, by and through his parents Chris Bishop and Sara
Christensen, J.B., a minor, by and through his parents Chris Bishop and Sara
Christensen, Chris Bishop, an individual, and Sara Christensen, an individual, by
their undersigned attorneys, for this complaint against Defendants Lake Chelan
School District, No. 129 ("LCSD") and K.C. Craven ("Craven"), allege as follows:

I. INTRODUCTION

1.1 Nature of Action. Plaintiffs C.B., a minor, by and through his parents Chris Bishop and Sara Christensen, J.B., a minor, by and through his parents Chris Bishop and Sara Christensen, Chris Bishop, an individual, and Sara Christensen, an individual, against Defendant LCSD for negligent hiring, supervision, training, and retention of Defendant Craven, gender discrimination in violation of 20 U.S.C. § 1681 (Title IX), the Education Act, gender discrimination in violation of RCW 49.60.030, negligence, and for the severe emotional distress Plaintiffs suffered as a result. Plaintiffs further bring this action against Defendant Craven for sexual harassment, sexual abuse, assault and battery, sexual misconduct with a minor in the first degree under the criminal statutes of Washington, specifically RCW 9A.44.093 and RCW 9A.44.010(8), and intentional infliction of emotional distress and/or negligent infliction of emotional distress.

II. JURISDICTION AND VENUE

2.1 Jurisdiction. The events, acts and omissions giving rise to Plaintiffs' claims occurred in Chelan County, Washington. Defendant LCSD operates public schools within Chelan County, Washington. Defendant Craven is believed to be a resident of Chelan County, Washington. Jurisdiction is therefore proper in Chelan County, Washington.

2.2 Venue. Venue is proper in Chelan County because Defendant LCSD operates public schools in Chelan County and Defendant Craven resides in Chelan County, and Plaintiffs suffered injuries while C.B. and J.B. attended Morgen Owings Elementary School in the Lake Chelan School District.

III. PARTIES

3.1 Plaintiffs Chris Bishop and Sara Christensen. Plaintiffs Chris Bishop and Sara Christensen are the parents of C.B. and J.B., minors. Plaintiffs are residents of Chelan County, Washington.

3.2 Plaintiffs C.B. and J.B. Plaintiffs C.B. and J.B. are minors and are subject to the law of the state of Washington concerning compulsory education. From 2005 to 2011, they attended their local, assigned public school, Morgen Owings Elementary School (“MOE”), in the Lake Chelan School District.

3.3 Defendant Lake Chelan School District. Defendant LCSD is a Washington Public School District organized and operating under the laws of the State of Washington, and receives federal financial assistance for its public education programs. LCSD controls and manages schools in Chelan, Washington, including MOE. LCSD hires, sets the terms of employment, supervises administration personnel and school staff and teachers, and is responsible for adopting, implementing, and enforcing school district policies.

1 3.4 Defendant K.C. Craven. Defendant Craven was at relevant times an
2 employee of the Lake Chelan School District, employed as a fourth grade teacher
3 at MOE and as a coach at the Chelan High School.
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5 IV. FACTUAL ALLEGATIONS

6 A. **LCSD Failed to Protect C.B. and J.B. From Foreseeable Harm**

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8 4.1 During the 2009 – 2010 and 2010 – 2011 academic school years,
9 Plaintiff C.B. and his brother, J.B., minors, attended Morgan Owings Elementary
10 School in the Lake Chelan School District No.129.
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12 4.2 Craven, who had previously been known in the Omak School District
13 by the nickname “Creepy Craven,” was hired by the LCSD and worked under its
14 supervision when he began to harass C.B.
15

16 4.3 In 2009 through 2010, C.B. was a student in Craven’s fourth grade
17 class. During that time, Craven began grooming C.B., engaging in sexually
18 harassing and inappropriate behavior, manipulation and threats. For example,
19 Craven inappropriately touched C.B. and rubbed his groin area against C.B.,
20 exposed himself to C.B., attempted to assault C.B., and threatened C.B. not to tell.
21 Craven’s sexual harassment of C.B. was ongoing and eventually escalated to
22 sexual assaults of C.B. on more than one occasion on MOE school grounds.
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24 4.4 During the 2009 – 2010 and 2010 – 2011 academic school years,
25 Craven physically and sexually assaulted C.B., during school hours and on MOE
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1 school grounds, including in a fourth grade classroom and in a restroom designated
2 staff-only. Craven's acts of misconduct included forcing C.B. to sit in his lap
3 while he rubbed his groin against C.B.'s buttocks; falsely imprisoning C.B. in a
4 locked bathroom; exposing his genitalia and his erect penis to C.B.; grabbing C.B.,
5 and forcibly removing portions of C.B.'s clothing; forcibly restraining C.B. and
6 anally raping C.B. with his erect penis; intimidating and frightening C.B.; and
7 ordering him not to tell anyone about his actions. Craven had the means to engage
8 in such misconduct due to his control over C.B., in his capacity as C.B.'s assigned
9 fourth grade teacher.
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13 4.5 In March 2011, C.B. began gradually disclosing the abuse he had been
14 suffering at the hands of Craven. Fearing for the safety of his younger brother who
15 would soon be entering fourth grade, on Wednesday, March 16, 2011, C.B.
16 tearfully pleaded, "Mom, can you make sure [my brother] doesn't have Mr. Craven
17 for a teacher." C.B. then disclosed to Ms. Christensen some of Craven's
18 inappropriate grooming behaviors. At that time, C.B. did not disclose the full
19 details of Craven's horrific conduct.
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23 4.6 The LCSD failed to take appropriate action in response to C.B.'s
24 disclosures to prevent further harm and instead acted with deliberate indifference.

25 4.7 Following C.B.'s first disclosure, Ms. Christensen emailed the MOE
26 school counselor, Ted Sheimo, and met with him the next day. Mr. Sheimo said he
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1 would talk to C.B. Despite these representations, neither Mr. Sheimo nor any other
2 LCSD counselor or staff member spoke to C.B. regarding Craven's misconduct.
3

4 4.8 In April 2011, C.B. began to disclose additional details regarding
5 Craven's ongoing sexual harassment, including that Craven had sexually assaulted
6 C.B. in a bathroom on the MOE campus.
7

8 4.9 Following C.B.'s disclosures, the LCSD failed to take appropriate
9 action to prevent further harm to Mr. Bishop and Ms. Christensen, and to their
10 minor children. LCSD officials, including Dr. Manahan, responded with deliberate
11 indifference to C.B.'s report. LCSD failed to keep Mr. Bishop and Ms.
12 Christensen informed of the status of its investigation, instructed MOE teachers
13 and staff not to talk to Mr. Bishop and Ms. Christensen, gave Mr. Bishop and Ms.
14 Christensen false information during a school board meeting in response to a direct
15 question, and refused Mr. Bishop and Ms. Christensen's requests to work with
16 them to ensure their children could remain students in the LCSD.
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20 4.10 Not surprisingly, C.B.'s brother J.B. was repeatedly bullied following
21 C.B.'s disclosures. C.B. and J.B. are identical twins and the kids at school
22 believed J.B. was the one who had "done something with Mr. Craven." J.B. never
23 complained or corrected the kids. He even took a punch to the face and cut on the
24 inside of his mouth, which abscessed and had to be drained. J.B. was called gay
25 and demeaning notes with gay slurs were shoved into his locker. Still J.B. never
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1 corrected the kids, he simply texted his mom to say that the kids at school knew.
2 Despite Mr. Bishop and Ms. Christensen's numerous complaints and suggested
3 solutions, the LCSD did not do anything to remedy or stop the bullying of J.B.
4

5 4.11 The LCSD even placed J.B. in a class taught by Mrs. Reister, one of
6 Craven's closest friends. Mr. Bishop and Ms. Christensen voiced concerns to Dr.
7 Manahan regarding the conflict of placing J.B. in a classroom with the only teacher
8 the school district had permitted Craven to have contact with as a purported
9 "exception" to the directives related to his administrative leave. Not only was
10 nothing done in response, but Mrs. Reister proclaimed publicly and through social
11 media her distaste for her student's family, and reported an "F" grade for J.B.,
12 when in actuality, J.B. had earned an "A." After changing J.B.'s grade, the LCSD
13 removed J.B. from Mrs. Reister's classroom without any explanation or apology
14 from the school district or Mrs. Reister.
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18 4.12 Mr. Bishop and Ms. Christensen did not want to take their children
19 out of the LCSD; Chelan is the family's home. Mr. Bishop and Ms. Christensen
20 were concerned about the well-being and safety of their children and the LCSD
21 refused to even acknowledge let alone deal with the ongoing issues caused by
22 Craven's assault. As a result, Mr. Bishop and Ms. Christensen were left with no
23 other choice than to remove their children from the LCSD and seek an educational
24 environment that was safe for their children.
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B. LCSD Knew Craven Had a Propensity for Engaging in Inappropriate Sexual Conduct with LCSD's Male Students

4.13 Defendants LCSD knew or with reasonable care should have known of Craven's propensity for engaging in inappropriate sexual conduct with the school district's male students. In the 2007 – 2008 school year – two academic school years before the year in which Craven began to prey upon C.B. – the LCSD administration received complaints that Craven had been inappropriately texting male students. Such conduct was and is in violation of LCSD policies and practices.

4.14 At that time, LCSD failed to conduct a proper investigation. Moreover, the LCSD admonished Craven but subjected him to no further discipline.

4.15 Before the start of the 2010 – 2011 school year, the LCSD conducted an investigation into Craven's continued inappropriate contact with male students, including additional inappropriate text messages to his male students, inappropriate conversations of a personal nature with male students, inviting male students to his home, and driving male students in his personal vehicle against the request of two sets of parents. Such conduct was and is in violation of LCSD policies and practices.

4.16 The text messages Craven sent to male students included messages about being drunk, inviting male students to play basketball with him late at night,

1 inviting male students to workout with him alone, asking a male student if he was
2 “f***ing” his girlfriend, asking male students to send pictures of their abdominal
3 muscles, and asking male students to send pictures of their “hammers,” meaning
4 penises.
5

6 4.17 Dr. Robert Manahan, LCSD’s superintendent, issued Craven an
7 “official letter of reprimand” for this conduct, constituting Craven’s “third offense
8 related to unprofessional conduct regarding student care[.]” Despite LCSD’s
9 knowledge of Craven’s sexual harassment of male students, no LCSD
10 administrator or staff member reported Craven’s misconduct to the police.
11

12 4.18 The LCSD also chose not to terminate Craven in 2010 after the
13 investigation into his third offense, which involved inappropriate sexual conduct
14 all with male students. Instead, the LCSD took away Craven’s coaching duties
15 thereby restricting Craven’s access to teenage male students, but permitting him
16 continued access to the younger, more vulnerable male students at MOE, including
17 those in his fourth grade class.
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19 4.19 The LCSD’s decision not to terminate Craven was inconsistent with
20 its own policies and procedures, and past practices.
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22 4.20 Had the LCSD conducted a proper investigation in 2010, it also would
23 have learned that Craven had sexually assaulted J.J., a minor, multiple times in
24 2008, including while J.J. was a student in the LCSD. Indeed, during the
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1 investigation, former LCSD coach, Julie Schwartz testified that a student “had to
2 punch Craven to get him off [J.J.]”
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4 4.21 Had the LCSD interviewed J.J. in 2010, it would have learned that
5 Craven served alcohol to J.J. at Craven’s home. The school district would have
6 further learned that Craven cut J.J.’s hair in the bathroom at Craven’s home, that
7 Craven suggested J.J. take a shower after the haircut, and that Craven remained in
8 the bathroom while J.J. undressed and got into the shower. Finally, the LCSD
9 would have learned that Craven pulled at the buckle area of J.J.’s pants and said
10 “let me see your hammer,” and grabbed J.J. in the crotch area and butt on more
11 than one occasion. But the LCSD chose not to follow up on Ms. Schwartz’s
12 testimony.
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16 4.22 The sexual harassment and assaults against C.B. never should have
17 occurred and were easily preventable. The LCSD knew or reasonably should have
18 known, but failed to take any action before Craven sexually harassed and assaulted
19 C.B. on MOE school grounds.
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21 4.23 C.B., and his parents have each been injured and damaged by the
22 conduct of Craven.
23

24 4.24 C.B., J.B., and their parents have each been injured and damaged by
25 the conduct, acts and omissions of the LCSD.
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V. FIRST CLAIM FOR RELIEF
(State Tort Claims of C.B. as to Defendant Craven)

5.1 Plaintiffs reallege and incorporate by reference each and every allegation set forth in the preceding paragraphs.

5.2 The acts of Defendant Craven committed against Plaintiff C.B. constitute sexual harassment, sexual abuse, assault and battery, sexual misconduct with a minor in the first degree under the criminal statutes of Washington, specifically RCW 9A.44.093 and RCW 9A.44.010(8), intentional infliction of emotional distress and/or negligent infliction of emotional distress.

5.3 As a result of the wrongful acts of Defendant Craven, Plaintiff C.B. has been injured and damaged in an amount to be determined at trial.

VI. SECOND CLAIM FOR RELIEF
(State Tort Claims of Parents as to Defendant Craven)

6.1 Plaintiffs reallege and incorporate by reference each and every allegation set forth in the preceding paragraphs.

6.2 As a result of the wrongful acts of Defendant Craven, Mr. Bishop and Mrs. Christensen, parents of C.B., have each been injured and damaged in an amount to be determined at trial, including but not limited to damages for emotional distress, mental anguish, parental grief, medical expenses, and other damages both past and future pursuant to RCW 4.24.010 for injury to the parent-child relationship and/or for seduction of a child pursuant to RCW 4.24.020.

VII. THIRD CLAIM FOR RELIEF
(State Claims of C.B. for Negligent Failure to Protect as to Defendant LCSD)

7.1 Plaintiffs reallege and incorporate by reference each and every allegation set forth in the preceding paragraphs.

7.2 Defendant LCSD owes a special duty of care to its students to protect them from reasonably anticipated danger and harm. Sexual misconduct, assault and predatory behavior by a teacher are legally foreseeable harm.

7.3 Defendant LCSD knew or in the exercise of reasonable care should have known that Craven presented a risk of danger or sexual misconduct toward its public school students, including plaintiff C.B.

7.4 Defendant LCSD breached its special duty protect C.B. and instead provided Craven with the opportunity to continue to abuse and assault male students, including C.B. The negligent acts and omissions of Defendant LCSD caused the sexual harassment, sexual abuse and sexual assaults of C.B.

7.5 As a result, C.B. has been damaged in an amount to be proven at trial.

VIII. FOURTH CLAIM FOR RELIEF
(State Claims of J.B. for Negligent Failure to Protect as to Defendant LCSD)

8.1 Plaintiffs reallege and incorporate by reference each and every allegation set forth in the preceding paragraphs.

1 8.2 Defendant LCSD owes a special duty of care to its students to protect
2 them from reasonably anticipated danger and harm. Bullying conduct by other
3 students is legally foreseeable harm.
4

5 8.3 Defendant breached its duty to J.B. by failing to take effective actions
6 or steps to stop the hostile educational environment and the harassment of J.B. on
7 the basis of his perceived sexual orientation by other students. Defendant LCSD is
8 liable for the harm its negligence foreseeably caused J.B.
9

10 8.4 As a result, J.B. has been damaged in an amount to be proven at trial.
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12 **IX. FIFTH CLAIM FOR RELIEF**
13 **(State Claims of Parents for Negligent Failure to Protect as to Defendant**
14 **LCSD)**

15 9.1 Plaintiffs reallege and incorporate by reference each and every
16 allegation set forth in the preceding paragraphs.

17 9.2 As a result of the negligent acts of Defendant LCSD, Mr. Bishop and
18 Mrs. Christensen, parents of C.B. and J.B., each have been injured and damaged in
19 an amount to be determined at trial, including but not limited to damages for
20 emotional distress, mental anguish, parental grief, medical expenses, and other
21 damages both past and future pursuant to RCW 4.24.010 for injury to the parent-
22 child relationship.
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X. SIXTH CLAIM FOR RELIEF
(State Claims of C.B. for Negligent Hiring as to Defendant LCSD)

10.1 Plaintiffs reallege and incorporate by reference each and every allegation set forth in the preceding paragraphs.

10.2 Defendant LCSD owed a duty of care to Plaintiff C.B. to protect him from the reasonably anticipated misconduct of Craven. Defendant LCSD knew or in the exercise of reasonable care should have known that Craven presented a risk of danger or sexual misconduct toward its male public school students, including plaintiff C.B. Defendant LCSD negligently hired Mr. Craven to teach fourth graders at MOE.

10.3 Defendant LCSD breached its duty to C.B. and, as a result, C.B. has been damaged in an amount to be proven at trial.

XI. SEVENTH CLAIM FOR RELIEF
(State Claims of Parents for Negligent Hiring as to Defendant LCSD)

11.1 Plaintiffs reallege and incorporate by reference each and every allegation set forth in the preceding paragraphs.

11.2 As a result of the negligent acts of Defendant LCSD, Mr. Bishop and Mrs. Christensen, parents of C.B., each have been injured and damaged in an amount to be determined at trial, including but not limited to damages for emotional distress, mental anguish, parental grief, medical expenses, and other

1 damages both past and future pursuant to RCW 4.24.010 for injury to the parent-
2 child relationship.

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4 **XII. EIGHTH CLAIM FOR RELIEF**
5 **(State Claims of C.B. for Negligent Supervision and Retention as to Defendant**
6 **LCSD)**

7 12.1 Plaintiffs reallege and incorporate by reference each and every
8 allegation set forth in the preceding paragraphs.

9 12.2 Defendant LCSD owed a duty of care to Plaintiff C.B. to protect him
10 from the reasonably anticipated misconduct of Craven. Defendant LCSD knew or
11 in the exercise of reasonable care should have known that Craven presented a risk
12 of danger or sexual misconduct toward its male public school students, including
13 plaintiff C.B. Defendant LCSD negligently failed to adequately supervise Craven,
14 failed to properly investigate complaints against Craven, and negligently retained
15 Craven.
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18 12.3 Defendant LCSD breached its duty to C.B. and, as a result, C.B. has
19 been damaged in an amount to be proven at trial.
20

21 **XIII. NINTH CLAIM FOR RELIEF**
22 **(State Claims of Parents for Negligent Supervision and Retention as to**
23 **Defendant LCSD)**

24 13.1 Plaintiffs reallege and incorporate by reference each and every
25 allegation set forth in the preceding paragraphs.
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1 13.2 As a result of the negligent acts of Defendant LCSD, Mr. Bishop and
2 Mrs. Christensen, parents of C.B., each have been injured and damaged in an
3 amount to be determined at trial, including but not limited to damages for
4 emotional distress, mental anguish, parental grief, medical expenses, and other
5 damages both past and future pursuant to RCW 4.24.010 for injury to the parent-
6 child relationship.
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9 **XIV. TENTH CLAIM FOR RELIEF**
10 **(State Claims of C.B. for Negligent Failure to Enforce**
11 **State-Required Policies as to Defendant LCSD)**

12 14.1 Plaintiffs reallege and incorporate by reference each and every
13 allegation set forth in the preceding paragraphs.

14 14.2 The LCSD adopted an anti-sexual harassment policy required by and
15 pursuant to state law for the protection of students and teachers from sexual
16 harassment and sexual abuse. Pursuant to such policy and state law, Defendant
17 LCSD had a duty to implement and enforce such policy for the protection and
18 benefit of its public school students.
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21 14.3 Defendant LCSD failed to take reasonable steps to comply with,
22 implement, or enforce such policy with respect to conduct of Defendant Craven in
23 light of the knowledge, reports and information concerning his behavior and
24 conduct, and breached its duty to Plaintiff C.B.
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1 14.4 As a result of breach of duty, Plaintiff C.B. has suffered injury and
2 damages in an amount to proven at trial.
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4 **XV. ELEVENTH CLAIM FOR RELIEF**
5 **(State Claims of J.B. for Negligent Failure to Enforce**
6 **State-Required Policies as to Defendant LCSD)**

7 15.1 Plaintiffs reallege and incorporate by reference each and every
8 allegation set forth in the preceding paragraphs.

9 15.2 The LCSD adopted an anti-sexual harassment policy required by and
10 pursuant to state law for the protection of students and teachers from sexual
11 harassment and sexual abuse. Pursuant to such policy and state law, Defendant
12 LCSD had a duty to implement and enforce such policy for the protection and
13 benefit of its public school students.
14

15 15.3 Defendant LCSD failed to take reasonable steps to comply with,
16 implement, or enforce such policy with respect to conduct of its students in light of
17 the knowledge, reports and information that its students were harassing,
18 intimidating and bullying J.B. with respect to his perceived sexual orientation, and
19 breached its duty to Plaintiff J.B.
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22 15.4 As a result of breach of duty, Plaintiff J.B. has suffered injury and
23 damages in an amount to proven at trial.
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XVI. TWELFTH CLAIM FOR RELIEF
(State Claims of Parents for Negligent Failure to Enforce
State-Required Policies as to Defendant LCSD)

16.1 Plaintiffs reallege and incorporate by reference each and every allegation set forth in the preceding paragraphs.

16.2 As a result of the negligent acts of Defendant LCSD, Mr. Bishop and Mrs. Christensen, parents of C.B. and J.B., each have been injured and damaged in an amount to be determined at trial, including but not limited to damages for emotional distress, mental anguish, parental grief, medical expenses, and other damages both past and future pursuant to RCW 4.24.010 for injury to the parent-child relationship.

XVII. THIRTEENTH CLAIM FOR RELIEF
(Claim by C.B. for Gender Discrimination in Violation of WLAD as to
Defendant LCSD)

17.1 Plaintiffs reallege and incorporate by reference each and every allegation set forth in the preceding paragraphs.

17.2 Defendant LCSD, by and through its appropriate authorities, had knowledge that Craven presented a risk of danger of sexual misconduct toward its male students, including C.B. Defendant LCSD, by and through its appropriate authorities, including those with actual knowledge that Craven presented such risk of danger, had the authority, power, and opportunity to take corrective action to protect its student population, including C.B., and to end the sexual harassment,

1 abuse, and discrimination by Craven, through proper supervision, training,
2 investigation, and disciplinary action. Defendant LCSD failed to take any
3 appropriate or corrective action, and as such, provided Craven with the opportunity
4 to continue to abuse and assault male students, including C.B. The acts and
5 omissions of Defendant LCSD caused the sexual harassment, sexual abuse, and
6 sexual assaults of C.B., and also constitute deliberate indifference to the rights of
7 C.B. and to known acts of sexual abuse and gender discrimination by Craven.
8

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10 17.3 The conduct, acts, and omissions of Defendant LCSD constitute
11 discrimination based on gender, and constitute discrimination against C.B. because
12 of his gender in violation of the Washington Law Against Discrimination, RCW
13 49.60.030.
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16 17.4 As a result of LCSD's deliberate indifference, Plaintiff C.B. suffered
17 substantial injury and damages, the amount of which is to be proven at trial,
18 together with the costs of suit including reasonable attorneys' fees pursuant to
19 RCW 49.60.030.
20

21 **XVIII. FOURTEENTH CLAIM FOR RELIEF**
22 **(Claim of J.B. for Gender Discrimination in Violation of WLAD as to**
23 **Defendant LCSD)**

24 18.1 Plaintiffs reallege and incorporate by reference each and every
25 allegation set forth in the preceding paragraphs.
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1 18.2 Defendant LCSD, by and through its appropriate authorities, had
2 knowledge that its students presented a risk of harassment, intimidation and
3 bullying. Defendant LCSD, by and through its appropriate authorities, including
4 those with actual knowledge that students had been harassing, intimidating and
5 bullying J.B., had the authority, power, and opportunity to take corrective action to
6 protect its student population, including J.B., and to end the harassment,
7 intimidation and bullying through proper supervision, training, investigation, and
8 disciplinary action. Defendant LCSD failed to take any appropriate or corrective
9 action, and as such, provided its students with the opportunity to continue to
10 harass, intimidate and bully J.B. The acts and omissions of Defendant LCSD
11 caused the sexual harassment, intimidation and bullying of J.B. based on his
12 perceived sexual orientation, and also constitute deliberate indifference to the
13 rights of J.B. and to known acts of sexual harassment, intimidation and bullying by
14 its students.
15

16 18.3 The conduct, acts, and omissions of Defendant LCSD constitute
17 discrimination based on gender, and constitute discrimination against J.B. because
18 of his perceived sexual orientation in violation of the Washington Law Against
19 Discrimination, RCW 49.60.030.
20

21 18.4 As a result of LCSD's deliberate indifference, Plaintiff J.B. suffered
22 substantial injury and damages, the amount of which is to be proven at trial,
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1 together with the costs of suit including reasonable attorneys' fees pursuant to
2 RCW 49.60.030.

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4 **XIX. FIFTEENTH CLAIM FOR RELIEF**
5 **(Claim of C.B. for Gender Discrimination in Violation of Title IX as to**
6 **Defendant LCSD)**

7 19.1 Plaintiffs reallege and incorporate by reference each and every
8 allegation set forth in the preceding paragraphs.

9 19.2 Defendant LCSD, by and through its appropriate authority, had
10 knowledge that Craven presented a risk of danger of sexual misconduct towards its
11 male students, including C.B. Defendant LCSD, by and through its appropriate
12 authority, including those with actual knowledge that Craven presented such risk
13 of danger, had the authority, power, and opportunity to take corrective action to
14 protect its student population, including C.B., and to end the sexual harassment,
15 abuse, and discrimination by Craven, through proper supervision, training,
16 investigation, and disciplinary action. Defendant LCSD failed to take any
17 appropriate or corrective action, and as such, provided Craven with the opportunity
18 to continue to abuse and assault male students, including C.B. The acts and
19 omissions of defendant LCSD caused the sexual assault, harassment, and sexual
20 abuse of C.B., and also constitute deliberate indifference to the rights of C.B. and
21 to known acts of sexual abuse and gender discrimination by Craven.
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1 19.3 The conduct, acts, and omissions of Defendant LCSD constitute
2 discrimination based on gender, and constitute discrimination against C.B. because
3 of his gender in violation of Title IX of the Education Act Amendments of 1972,
4 20 U.S.C. § 1681.

5
6 19.4 As a result of LCSD's deliberate indifference, Plaintiff C.B. suffered
7 substantial injury and damages, the amount of which is to be proven at trial,
8 together with the costs of suit including reasonable attorneys' fees pursuant to 42
9 U.S.C. § 1988.
10

11
12 **XX. SIXTEENTH CLAIM FOR RELIEF**
13 **(Claim of J.B. for Gender Discrimination in Violation of Title IX as to**
14 **Defendant LCSD)**

15 20.1 Plaintiffs reallege and incorporate by reference each and every
16 allegation set forth in the preceding paragraphs.

17 20.2 Defendant LCSD, by and through its appropriate authorities, had
18 knowledge that its students presented a risk of harassment, intimidation and
19 bullying. Defendant LCSD, by and through its appropriate authorities, including
20 those with actual knowledge that students had been harassing, intimidating and
21 bullying J.B., had the authority, power, and opportunity to take corrective action to
22 protect its student population, including J.B., and to end the harassment,
23 intimidation and bullying through proper supervision, training, investigation, and
24 disciplinary action. Defendant LCSD failed to take any appropriate or corrective
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1 action, and as such, provided its students with the opportunity to continue to
2 harass, intimidate and bully J.B. The acts and omissions of Defendant LCSD
3 caused the sexual harassment, intimidation and bullying of J.B. based on his
4 perceived sexual orientation, and also constitute deliberate indifference to the
5 rights of J.B. and to known acts of sexual harassment, intimidation and bullying by
6 its students.
7

8
9 20.3 The conduct, acts, and omissions of Defendant LCSD constitute
10 discrimination based on gender, and constitute discrimination against J.B. because
11 of his perceived sexual orientation in violation of Title IX of the Education Act
12 Amendments of 1972, 20 U.S.C. § 1681.
13

14 20.4 As a result of LCSD's deliberate indifference, Plaintiff J.B. suffered
15 substantial injury and damages, the amount of which is to be proven at trial,
16 together with the costs of suit including reasonable attorneys' fees pursuant to 42
17 U.S.C. § 1988.
18

19 **XXI. PRAYER FOR RELIEF**

20
21 WHEREFORE, Plaintiffs pray for entry of judgment against the Defendants
22 as follows:
23

24 A. For an injunction compelling Defendant LCSD to enforce its
25 anti-harassment policies consistent with the requirements of state and federal
26 law to prohibit sexual harassment and discrimination on the basis of sex;
27

1 B. For judgment against Defendant Craven and against Defendant
2 LCSD, jointly and severally, for all damages as allowed by law in an amount
3
4 to be proven at trial;

5 C. Attorneys' fees and costs as allowed by law;

6 D. Prejudgment and postjudgment interest;

7
8 E. Right to amend the pleadings to conform to the evidence
9 produced at the time of trial; and

10 F. For such other and further relief as the Court may deem just and
11
12 proper.

13 RESPECTFULLY SUBMITTED AND DATED this 22nd day of April,
14 2014.

15
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17 WILLIE PLLC

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CERTIFICATE OF SERVICE

I, Erika L. Nusser, hereby certify that on April 22, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 22nd day of April, 2014.

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